

1 Q And that has a unique cap code and telephone number
2 on it?

3 A Yes. It has my own number and my own cap code and
4 so forth.

5 Q Okay. So that when you're doing those tests you're
6 not going to, to inadvertently, you know, activate one of
7 Capitol's --

8 A No, no.

9 Q Is it -- as part of that testing that you were
10 doing, would -- again, excuse me if this sounds like a stupid
11 question, but would you send out Morse Code IDs on a regular
12 basis?

13 A The terminal is pre-set from Commonwealth. It's a
14 Commonwealth terminal. The terminal sends out the ID and I
15 believe that's done in, that's done in the requirement of the
16 FCC, and I don't remember. It's either 15 or 30 minutes,
17 whichever one is required. And that's done by the terminal.
18 It has nothing -- I can't control that.

19 Q It has nothing to do with testing?

20 A No. The only thing that could be -- no, I have
21 nothing -- no, that's not done by testing. I can't force --
22 I'm sure Commonwealth can, but I don't have expertise of the
23 terminal to tell it when to send the test page.

24 Q I understand. And, again, this will seem like a
25 stupid question to you, but when you were doing this testing

1 to set up the station, did you send out something called a
2 chain page?

3 A I know nothing about that.

4 Q When you were testing the system did you install the
5 off-air monitoring equipment at that time when you first --

6 A Did I?

7 Q Yes.

8 A Yes.

9 Q Did anybody tell you to turn it off at some point?

10 A No, no.

11 Q You wouldn't know if it stayed on or off from the
12 day after you installed that equipment, though, would you?

13 A Anytime I was there it was always on.

14 Q I take it you're still responsible for maintaining
15 Capitol's equipment today or no?

16 A Well, as of day before yesterday I was. I might ask
17 RAM Page for a job. I don't know. I have no animosity toward
18 RAM Page. I'm just trying to tell the truth.

19 Q And you're doing a darn good job, Mr. McCallister
20 and I appreciate it. Were you testing the control station in
21 -- what -- let me back up. The control link again would have
22 had to -- for the station to work, would have had to install
23 -- where you put in all the bay station transmitters and all
24 of that? Correct?

25 A I'm sorry. Now I didn't thoroughly understand your

1 question.

2 Q Yeah. I'm sorry. I confused you. Going back to
3 putting up Capitol's paging system, the control link testing
4 was done sort of at the outset, right, when you installed all
5 of the equipment?

6 A To the best of my knowledge, and this is -- here
7 again I'm just -- I can't give you any dates or figures, but
8 the best of my knowledge, best of my recollection, the
9 Charleston station on East Drive was put on the air first
10 because the phone line goes from the Charleston office from
11 the terminal at -- it goes from the phone line there. It's on
12 East Drive and the transmitter was put on the air there first
13 and then the control link was added a short, short time
14 thereafter for Huntington, and I don't remember the dates of
15 that, but it runs in my mind, and please don't hold nothing to
16 me, see --

17 Q I understand.

18 A -- but it runs in my mind that the Charleston
19 transmitter was on the air a short time before the -- I
20 actually had the link in operation, see, I think. I'm not
21 sure obviously.

22 Q Okay. The moment you -- or let's not qualify it by
23 saying the moment, but after the system was put together, I
24 presume you'd be monitoring transmissions that, that go over
25 the air?

1 A Yes. I monitor quite a bit, as a matter of fact. I
2 have a variable receiver in the truck and I monitor the system
3 constantly practically.

4 Q Okay. And that's -- I mean, that's a common thing,
5 you shared frequency operations, isn't it?

6 A Shared frequencies?

7 Q Well, you know, on 152.48, this private carrier
8 paging, isn't that common to monitor?

9 A Well, now I'd like to see -- I don't know that I'm
10 answering your question properly, but I know RAM Page's signal
11 sounds good and I wanted Capitol's to sound at least as well.
12 I mean --

13 Q Sure.

14 A So, yes, I did monitor.

15 Q Yes. And that's your job as a technician, one who's
16 worth his salt, they would monitor?

17 A One who's worth his salt does that, yes.

18 Q During that monitoring were you aware of any Capitol
19 customers that were on the air?

20 A I have nothing to do with that.

21 JUDGE CHACHKIN: What was his answer.

22 MR. MCCALLISTER: I have nothing to do with
23 customers. I don't know.

24 BY MR. JOYCE:

25 Q I -- but you --

1 A I do know -- I can answer this question for you. I
2 do know that I changed a bunch, and I mean I changed crystals
3 from 152.41 to 152.48 to I think them things was coming out of
4 my ears. I did that.

5 Q All right. But you don't know --

6 A I mean, they had a whole bucketful, they had a whole
7 bucketful of the, of the BPR 2000 pagers. I think that's the
8 model number. I don't even remember the stinking model
9 number. But they had a bunch of pagers, voice pagers, on
10 152.48. I know that.

11 Q But you don't know if they were actual customers of
12 Capitol or not?

13 A I had no way of knowing that.

14 Q Sure. You wouldn't know if they were officers of
15 Capitol?

16 A I had no way of knowing that either. All I know --
17 all I can tell you is that I must have changed 50 -- I'll bet
18 the stock on the Bomar Paging Company went up from the
19 crystals we ordered for them for 152.48.

20 Q Is that right? Those are -- I hadn't planned on
21 going into this, but now I'm curious. Those are -- you were
22 changing them -- they were used as RCC pagers before? You
23 changed them to PCP? Is that what you --

24 A Yeah. I did that personally, lots of them. Matter
25 of fact, I'd do it at night and my wife would call up and say,

1 "When are you coming home?" and I'd say, "When I get these
2 stinking pagers changed."

3 Q Oh, yeah. The tone and voice ones, those are kind
4 of the old model ones, I guess, aren't they?

5 A They were the old models, right.

6 Q They're not as efficient as the digital ones that
7 they put out now?

8 A Well, people want digital pagers, but there's only
9 -- my fingers are so big and my eyes are getting old, see, and
10 there's so much -- I can change crystals on the digital pagers
11 and switches and things like that, the -- chips and so forth.
12 Well, you're not interested in that, but I will say that I
13 did, I did change some, some digital pagers to the PCP. I did
14 do that and I -- not to the extent that I changed the voice
15 pagers, but I did change a bunch of the, of the -- I think I
16 told you when you were -- one time that I had been changing
17 frequencies on them.

18 Q And the you you're referring to is the FCC, I
19 presume?

20 A Yes.

21 Q Just so the record will reflect that the FCC --
22 those tone and voice ones, as a technician you would -- you'd
23 probably be able to -- they take up more air time than the
24 digital ones, I guess, don't they?

25 A Yes. It depends on how long people talk now.

1 Q But potentially how much air time would one of those
2 -- or is there a limit to how much air time one of those tone
3 and voice can take up on 152.48?

4 A I haven't, I haven't timed them. The digital
5 information is transmitted from a digital pager. Some of the
6 digital pagers take up even more time than the, than the
7 analog page because on some of the digital pagers there's the,
8 there's the first initial burst that opens up the audio, makes
9 the pager beep and opens it up, and then there's another burst
10 of -- where that's not the case on the analogs, the five tone
11 or the five, six tone pagers. They just go -- and it's open.
12 So that's why -- that's what I meant when I tell you it
13 depends on how long a person talks. So, no, it's not
14 necessarily true that a digital pager is shorter than an
15 analog pager. It can be, but it's not necessarily true. It
16 depends on the situation.

17 Q I'm just a poor dumb attorney, so I'm asking you --

18 A I'm just a poor dumb clodhopper so we're even.

19 Q But -- maybe I misunderstand how a tone and voice
20 pager works. Do you actually hear the person's voice when --
21 if I'm carrying a tone and voice pager, does it actually get,
22 you know, like -- if the wife says bring home --

23 A In place of noise you hear voice.

24 Q You actual do hear a voice?

25 A Sure. That's why the, that's why the levels have to

1 | be set so meticulously.

2 | Q Could that -- and I know it's going to vary
3 | depending on how long my wife talks to me.

4 | A She can only talk 15 to 20 seconds.

5 | Q Oh, okay. So there is a --

6 | A At a time.

7 | Q -- there is a limit?

8 | A Oh, yeah, and that -- yeah, I'm sure. She can't,
9 | she can't hold the air very long. Somebody else is waiting to
10 | talk hopefully.

11 | Q Okay. So that it's possible that each of those
12 | pagers that you -- they each have a capacity of about 15 to 20
13 | seconds of air time?

14 | A I don't remember what the time limit is on the, on
15 | the paging terminal but it's not very long. Matter of fact,
16 | it was so short I kind of got aggravated at it myself because
17 | I couldn't have time enough to get my testing done.

18 | Q I'm almost done here, Mr. McCallister. Just idle
19 | curiosity, about how much does it cost to, to -- I take
20 | there's the term you use with these pagers to change from one
21 | frequency to another.

22 | A I work for dirt. The site -- that's what I've been
23 | saying when I'm talking to RAM. It's a site, it's a site but
24 | it's -- the crystals I think cost about \$20 apiece.

25 | Q The crystals cost \$20 apiece?

1 A \$15 top \$20. It depends on the volume that you buy,
2 somewhere in that neighborhood, but what they pay me is just
3 --

4 Q The -- a new one of those pagers with -- of a tone
5 and voice pager would cost about how much, if you have any
6 idea?

7 A I can get them on the black market. They're not
8 very expensive. But if you buy them from Motorola, a new one
9 would probably cost \$200 or \$300.

10 Q Okay.

11 A \$300 or \$400, somewhere in there. I don't think
12 Motorola even wants to sell voice pagers. Now, some of these
13 off-brand companies like -- no, I won't mention no names. But
14 there's -- I mean, seriously, they're \$300 or so, the tone and
15 voice pagers.

16 Q But that's -- it's not unusual to and it's kind of a
17 cheap way to, to get pagers that you have in your inventory
18 that will work on one frequency to get them to work on another
19 is that you re-crystallize them? That's not unusual?

20 A I guess about everybody does that.

21 Q Mr. McCallister, I have no further questions. Thank
22 you very much.

23 A I'm sorry I got a little aggravated with you right
24 at first, but I was nervous and scared. Okay?

25 Q I'm nervous, too.

1 JUDGE CHACHKIN: You're beginning to sound like
2 you're enjoying it so much you won't want to leave.

3 MR. McCALLISTER: I apologize to you.

4 MR. JOYCE: No apology necessary.

5 JUDGE CHACHKIN: Who's the Bureau counsel in this?

6 MS. FOELAK: I am.

7 JUDGE CHACHKIN: All right, Ms. Foelak.

8 CROSS-EXAMINATION

9 BY MS. FOELAK:

10 Q Mr. McCallister, my name is Carol Foelak and I'm
11 going to ask you a few questions on behalf of the Private
12 Radio Bureau now that Mr. Joyce has gotten you so relaxed. I
13 think you indicated that you weren't too sure of the time
14 frame a few years ago when you installed the bay station
15 transmitters for Capitol.

16 A I'm, I'm not going to come up with any dates because
17 I don't remember.

18 Q Okay. Do you recall what kind they were, what brand
19 and model and what power?

20 A They were all -- all of them were, were 100 watt
21 stations or 100 watt output stations. The one at Charleston
22 was a Motorola -- station which is -- like I told you earlier,
23 it's a digital -- it's capable of digital transmission, SSK --
24 digital. It's -- of course, it's capable of tone and voice.
25 Of course, everybody's heard of Motorola -- see, best in the

1 business. I mean, I shouldn't say that. It's not fair. G.E.
2 might get mad at me. But -- and then the one at Huntington is
3 a G.E. Master Pro, Master Pro, and it's 100 watt also.
4 They're solid state transmitters and it's capable of 100 watts
5 also, 100 watts maximum on both of them, but the one in
6 Charleston is a -- is capable of digital and the one in
7 Huntington was a -- was analog only.

8 Q So did you ever change the transmitters? Did you
9 install --

10 A I did. Yes, I did.

11 Q Okay.

12 A The one -- in the initial, in the initial
13 installation the one in Charleston was a G.E. Pro also and it
14 had terrible audio, and I've been a ham for a number of years
15 and I like to hear good audio. And so the G.E. -- the
16 Motorola just beat -- I mean, I didn't put -- the Motorola
17 beat the G.E. all to pieces as far as the quality of the audio
18 being transmitted, see, so I pulled the G.E. out and put the
19 Motorola in place of the, of the G.E., of the G.E. in
20 Charleston and it sounded much better. The audio quality of
21 the paging and so forth was much better.

22 Q Just so I have this straight, at the very first you
23 had a G.E. --

24 A At both sites.

25 Q -- at both sites --

1 A That's correct.

2 Q -- 100 watt output?

3 A That's right.

4 Q And then at some point you changed the Charleston

5 one to the Motorola -- model?

6 A That's correct.

7 Q And that was 100 watts, too?

8 A That's correct.

9 Q Do you recall when you changed to the Motorola

10 model?

11 A It wouldn't have -- it probably wouldn't have been

12 very long because -- don't hold me to this, again, because my

13 mind is not -- I mean, my memory's not very good. Don't hold

14 me to it. It was probably -- I'm -- I mean, I'm not tooting

15 my own horn, but I'm kind of persnickety about how things

16 sound and, here again, when I saw something and I knew the --

17 I knew this was a hearing frequency, see? I was aware of

18 that. Nobody had to tell me. And I wanted to put things in

19 so Capitol -- and I didn't do this just for Capitol. I would

20 have done the same thing for RAM if I was working for them,

21 okay? I want you to believe this. It's true. I put it in as

22 best as I could so that it was exactly as legal as it could

23 be. I mean, I wanted it to be exactly right and I wanted it

24 to sound good. There's nothing worse than a customer that

25 goes out and buys a pager and he can't hear what's been said,

1 see, and so I wanted it to be right, but I didn't want it to
2 interfere with RAM, see? I didn't want to bother them because
3 those are good people. I mean, they pay my wife monthly just
4 like that, best dang customer she's got now. You think I'm
5 kidding? Ask her. She'll tell you. But, but to get back to
6 your original question, no, I don't remember when I changed
7 the transmitters, but I changed them because of the quality of
8 the audio.

9 Q You wouldn't even venture to say whether it was
10 weeks or months or --

11 A I would say about a month.

12 Q Okay. Let's see. You mentioned that you changed
13 the crystals on paging receivers until it came out of your
14 ears to get ready for their --

15 A They did for a fact. I still see them things in my
16 sleep.

17 Q Did you say what brand the pagers were, what brand
18 and model?

19 A They're all Motorola pagers, BPR 2000.

20 Q And are those a very reliable, good --

21 A Oh, yes. Oh, yes, yes. Anything that Motorola
22 builds in the pager line is good. Even RAM Page will testify
23 to that.

24 Q All right. That's all I have.

25 JUDGE CHACHKIN: You don't have any redirect, do

1 you?

2 MR. HARDMAN: I wouldn't dare.

3 JUDGE CHACHKIN: You're excused, Mr. McCallister.

4 MR. McCALLISTER: Thank you very much.

5 (Whereupon, the witness was excused.)

6 (Off the record.)

7 JUDGE CHACHKIN: We'll take a ten minute recess
8 before your next witness. You have another witness? Who's
9 your next witness?

10 MR. HARDMAN: Mr. Harrison.

11 JUDGE CHACHKIN: All right. We'll take a ten minute
12 recess now before we start with him.

13 (Whereupon, a brief recess was taken from 10:53 a.m.
14 until 11:00 a.m.)

15 MR. HARDMAN: Your Honor, before we proceed, I have
16 two just very preliminary.

17 JUDGE CHACHKIN: All right. On the record. Go
18 ahead.

19 MR. HARDMAN: First of all, I would like to go on
20 record thanking the counsel for the Government and RAM for
21 their consideration in questioning Mr. McCallister. I
22 appreciate it. Secondly, I believe the, the Government
23 indicated they had a witness or two in rebuttal that they were
24 planning to call and, in light of the sequestration order, I'd
25 like to inquire whether the witnesses are -- or I'd like to at

1 | least clarify whether the rebuttal witnesses are subject to
2 | the sequestration order or not at this point?

3 | JUDGE CHACHKIN: I assume they are unless they're
4 | one of the accepted persons.

5 | MS. LADEN: Your Honor, I misspoke if I said if we
6 | planned to call witnesses on rebuttal. I said that we were
7 | finished with our case but we reserved the right to call
8 | witnesses for rebuttal. I don't anticipate calling anyone at
9 | this time, but certainly the witnesses are sequestered. I
10 | mean, they --

11 | JUDGE CHACHKIN: Mr. Joyce, you were talking about
12 | rebuttal. Any witnesses present you intend to call for
13 | rebuttal?

14 | MR. JOYCE: Certainly Bob Moyer is not covered by
15 | the sequestration so he could be called as a rebuttal witness.

16 | JUDGE CHACHKIN: Yes.

17 | MR. JOYCE: FCC and I haven't really thought -- the
18 | FCC's not interested in calling rebuttal. It's unclear to me
19 | whether under Your Honor's earlier order whether you're going
20 | to give me the possibility of calling a rebuttal witness or
21 | not.

22 | JUDGE CHACHKIN: That's true. It's -- I don't know
23 | how you can call a rebuttal when you didn't put on any direct.

24 | MS. LADEN: Your Honor, we -- I have been thinking
25 | just without -- I don't want to make a commitment now because

1 I had just been thinking about it very vaguely, but I was
2 thinking in terms of Mr. Moyer and perhaps one of the FCC
3 engineers.

4 JUDGE CHACHKIN: Well, if you call one of those two
5 there's no problem because they're excepted.

6 MS. LADEN: And Mr. Moyer is excepted also?

7 JUDGE CHACHKIN: Yes, Mr. Moyer is also excepted,
8 yes.

9 MR. JOYCE: That resolves our, our problem.

10 MS. LADEN: I really don't think there will be a
11 problem.

12 JUDGE CHACHKIN: All right. Fine.

13 MR. HARDMAN: Okay. So my understanding is that any
14 witnesses that would be called on rebuttal would be exempt
15 from the sequestration order that's been previously entered in
16 the proceeding. Is that right?

17 JUDGE CHACHKIN: That's right. Those would be the
18 only individuals who, who will be called for rebuttal as I
19 understand it.

20 MR. HARDMAN: Thank you, Your Honor.

21 JUDGE CHACHKIN: All right.

22 MR. HARDMAN: Capitol would next call Mr. Russell
23 Harrison to the stand.

24 Whereupon,

25 RUSSELL A. HARRISON

1 was called as a witness and, after having first been duly
2 sworn, was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. HARDMAN:

5 Q Please be seated. State your name and address for
6 the record, please.

7 A Russell A. Harrison, No. 30 Beach View Drive, St.
8 Albans, West Virginia.

9 Q Now, Mr. Harrison, would you please open the
10 document in front of you with the white cover and look behind
11 Tab 24, and do you see a document with the notation in the
12 upper right-hand corner Exhibit CAP 22?

13 A Yes, sir.

14 Q Entitled Direct Testimony of Russell Harrison?

15 A Yes, sir.

16 Q Would you review that document and tell me whether
17 that is your direct testimony in this proceeding?

18 A Yes, sir.

19 Q And do you have any corrections or additions to that
20 testimony?

21 A Yes, sir. On -- it would be the second page,
22 paragraph 3. I believe there's a typo error on the year.
23 That year should be 1991 instead of 1990.

24 Q The first line in paragraph 3?

25 A Yes, sir.

1 Q Beginning -- it should read, "Beginning in the
2 spring of 1991?" Is that --

3 A Yes, sir.

4 Q Do you have any other corrections?

5 A There -- paragraph 4, the very last sentence. A
6 couple places in that paragraph said that I would abandon
7 trying to test for a few weeks or a month. I go to thinking.
8 I don't know if I ever went a whole month without testing or
9 not.

10 Q And that -- you'd like to make that change?

11 A Right. It says, "I left things alone for a few
12 weeks or a month." "I don't know if I ever went a whole month
13 without testing of some type."

14 Q All right. Is there any other correction you'd like
15 to make?

16 A No, sir.

17 Q And as so corrected is this testimony true and
18 correct?

19 A Yes, sir.

20 MR. HARDMAN: Your Honor, I move the admission as
21 Exhibit CAP 22 and pass the witness.

22 JUDGE CHACHKIN: Any objections?

23 MS. LADEN: No objections, Your Honor.

24 JUDGE CHACHKIN: All right. The exhibit is
25 received.

1 (The document previously marked for
2 identification as CAP Exhibit No. 22
3 was received into evidence.)

4 JUDGE CHACHKIN: And who's going to lead off with
5 cross? I don't care which. The preference is up to the
6 parties.

7 MR. JOYCE: If no one cares, I'll go first then,
8 Your Honor.

9 JUDGE CHACHKIN: All right. Go ahead, Mr. Joyce.

10 MR. JOYCE: Thank you.

11 CROSS-EXAMINATION

12 BY MR. JOYCE:

13 Q Good morning, Mr. Harrison. My name is Frederick
14 Joyce. I'm an attorney for RAM Technologies, Inc. in this
15 case. You know who RAM Technologies is?

16 A Yes, sir.

17 Q Mr. Harrison, referring to your declaration, this is
18 behind Tab 24. You have that in front of you?

19 A Yes, sir.

20 Q Okay. You have -- the first page is direct
21 testimony, second is direct testimony in my copies anyway, and
22 then it's -- the next page that is labeled at the top
23 Declaration of Russell "Rusty" Harrison?

24 A Yes, sir.

25 MR. HARDMAN: Your Honor, if I could clarify. There

1 was an error made in the reproduction of these exhibits.

2 MR. JOYCE: I know that, Ken. That's quite all
3 right. I understand. I'm not, I'm not cross-examining him to
4 impeach the, the copies here or anything of that sort.

5 MR. HARDMAN: I just wanted to clarify that in some
6 cases there was a copy of an unexecuted direct testimony page
7 which should be just pulled out of the --

8 JUDGE CHACHKIN: Oh, this? All right. All right.
9 The ones you gave to the reporter, does it have the unexecuted
10 copy?

11 MR. HARDMAN: I thought I corrected the ones that
12 went to the reporter.

13 JUDGE CHACHKIN: All right. Let the record reflect
14 that are two copies of a statement by Mr. Harrison. One is
15 unexecuted and that is not part of the exhibit.

16 BY MR. JOYCE:

17 Q Mr. Harrison, you've been with Capitol for how long?

18 A Almost six years.

19 Q Six years. So you were with them when they were a
20 RCC paging company before they got into the private carrier
21 paging business? Is that correct?

22 A Yes.

23 Q Your declaration says that you manage the Huntington
24 office? Is that correct?

25 A Yes.

1 Q That would mean that you manage both the radio
2 common carrier and the private carrier paging operations? Is
3 that correct?

4 A Yes.

5 Q I can barely hear you, Mr. --

6 A Yes.

7 Q Thank you. Would -- probably the quickest way to
8 elicit the answer, what are your job responsibilities as
9 manager of this station?

10 A All jobs in running an office, hiring, firing,
11 advertising, marketing, testing, new sales, whatever goes
12 along with maintaining an office.

13 Q I take it it's not a very big office then?

14 A No, sir.

15 Q How many people do work in the Huntington office?

16 A Three right now.

17 Q What are the positions of those other two people?

18 A Receptionist/secretary and a salesperson.

19 Q And I gather from most small paging companies that
20 most everybody that you hire also wears a second hat at being
21 a salesperson? Is that true?

22 A Yes, sir.

23 Q And in your case it's -- I mean, you try to sell
24 pagers if you can, too?

25 A Oh, yes, sir.

1 Q Are all the people -- let me back up. Did you have
2 three people in the office back in 1990 when you started your
3 PCP operations?

4 A I'm not sure, sir.

5 Q Is that, is that roughly the, the makeup of the
6 office that you've had for -- since you started your PCP
7 operations, give or take?

8 A As far as the amount of employees?

9 Q Yes.

10 A Yes.

11 Q Okay. And you've been the senior person there
12 throughout that time period?

13 A Yes.

14 Q Are all those people familiar with how to operate a
15 paging terminal?

16 A Operate as far as programming?

17 Q Yes.

18 A No.

19 Q Who wouldn't be familiar with how to program a
20 paging terminal?

21 A The salesperson or deliveryperson.

22 Q Okay. But your receptionist would and you would?

23 A Yes, sir.

24 Q So if the salesperson wanted a particular feature or
25 his customer wanted a particular feature, he'd contact you or

1 the receptionist and say, you know, program in this paging
2 feature?

3 A Yes.

4 Q Does your terminal have a feature called a chain
5 command?

6 Yes.

7 Q Now, you mention in your declaration at paragraph 2,
8 it says, "After Capitol got the license for 152.480 in the
9 latter part of 1990 Capitol was contacted by the Greenup
10 County, and that's G-R-E-E-N-U-P, County Rescue Squad which is
11 located near Ashland, Kentucky on the Kentucky/West Virginia
12 border. Do you see that?

13 A Yes, sir.

14 Q Okay. So your private carrier paging operations
15 were operating in the latter part of 1990? Is that correct?

16 A We had our license, sir.

17 Q Okay. You had your license then, but my question
18 was your private carrier paging operations were operating in
19 the latter part of 1990 according to this declaration? Isn't
20 that correct?

21 MR. HARDMAN: I object, Your Honor. That's an
22 improper characterization of what the counsel just read.

23 MR. JOYCE: If you're confused, I'll --

24 MR. HARDMAN: He refers to a license. He doesn't
25 say anything about operating,

1 BY MR. JOYCE:

2 Q If there's some confusion, it's probably due to my
3 poor question, Mr. Harrison. Let me take another swipe at
4 this. Now, this sentence suggests to me -- well, first of
5 all, let's take a look at when you signed this declaration, on
6 page 5, paragraph 9, September 29, 1992. Is that correct?

7 A Yes, sir.

8 Q Okay. And today is -- although we've lost track of
9 the time this week at the hearing, today is what, February 4,
10 1994?

11 A I think. I'm not sure.

12 Q Okay. As with most people, presumably your
13 recollection of past events would have been better back then
14 in September of 1992 than it would be today, I would, I would
15 presume. Isn't that correct?

16 A Probably.

17 Q And back in September of 1992 this declaration was
18 prepared in response to an interference complaint? Isn't that
19 correct?

20 A Yes, sir.

21 Q And so it was back then in September of 1992 that
22 -- well, who asked you to prepare this declaration?

23 A I would say Mike Raymond. I'm not really -- either
24 Mike Raymond or Dan Stone, my two bosses.

25 Q Okay. Now, getting back to paragraph 2, the first

1 sentence here, Mr. Harrison, again it says, "After Capitol got
2 the license for 152.480 in the latter part of 1990," and so we
3 don't have any confusion over this point, it wasn't my
4 question, and I gather from this that you got your license at
5 least in the latter part of 1990? Correct?

6 A Yes.

7 Q Okay. But you say here in the same sentence,
8 "Capitol was contacted by the Greenup County Rescue Squad
9 which is located near Ashland, Kentucky on the Kentucky/West
10 Virginia border." Correct?

11 A Yes.

12 Q Okay. And then it says, "The Rescue Squad needed
13 paging service which would provide group call voice service to
14 10 to 15 members on one number and individual service to each
15 of its members on a second number unique to that number."
16 Correct?

17 A Yes.

18 Q And then it says, "The Rescue Squad was just getting
19 organized and told me it could not afford Capitol's common
20 carrier service, so I agreed to try to serve them on the new
21 PCP system at a considerably lower rate." Isn't that correct?

22 A Yes.

23 Q So now, despite Mr. Hardman's objections, that would
24 suggest to me, and I want to hear it from you, of course, that
25 your PCP system was up in operation in the latter part of